

In re. Application No. 09/396,531

Filed: 9/15/99

Title: A Bowler's Finger Pad Shield

Inventors: Randall A. Addington,

W. Robert Addington,

W. Robert Addington II.

Group Art Unit: 3711

Examiner: W.M. Pierce

Attorney Docket 99-1001.

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To: The Assistant Commissioner Of Patents
Washington, D.C. 20231

Declaration Under 37 CFR 132

1. I, Randall A. Addington, am one of the named inventors in this application. I have read and understand the Amendment submitted with my Declaration and the Declaration of my co-inventor W. Robert Addington, II, DO, submitted with my Declaration and the Amendment.

9-29-00

2. I have been bowling for over 25 years, and have received numerous cash prizes in American Bowling Congress sanctioned tournaments and currently am eligible for, and in the process of receiving the American Bowling Congress "300 Ring," for at least one "300" or perfect, game I have bowled. The weight of bowling ball I currently prefer is 15 pounds.

3. I have studied the process of, and apparatus for, bowling, such as the various means to reduce wear on the fingers and finger pads of a bowler and to enable the bowler to utilize his maximum force against the interior surface of a bowling ball finger hole, when lifting and releasing the bowling ball. I am familiar with various devices for reducing frictional pressure and drag on the fingers at the moment of release of the fingers from the interior of the bowling ball finger holes. In particular, I am familiar with cushion inserts placed into the interior of the bowling ball finger holes and with finger protectors, designed and intended to enable release of the bowling ball from the finger or fingers inserted into the interior of the bowling ball, reducing frictional drag

4. I am familiar with commonly used and accepted bowling terms and understand the word "lift" or "lifting" as used by those skilled in the art of bowling and bowling devices prior to the filing date of this Application, is for example as described in 1984 Patent 4,371,163, columns 3 and 4, describing the use of the middle fingers inserted into the ball as the source of the lift to give the ball the desired roll, at the release of the ball from the middle finger inserted into the bowling ball finger hole. A middle finger is described in 4,371,163, as rotating the underside of the ball upward as the middle finger leaves the ball at release, producing "lift." and rotation. The thumb is described as positioned in a higher position than the middle fingers and is removed from the ball before release. Then, the middle finger is used to apply force to the ball through the bowling ball finger hole and to give spin and rotation to the ball at release, without use of the thumb. The term "lift," as described above, is used in my Application, particularly on pages 4 and 5, is the same as term as described in 1984 Patent 4,371,163, and as would known and understood by one skilled in the art prior to the filing date of this application, as releasing a bowling ball from the finger and using the finger to force the ball into a spin and rotation at the release. One skilled in the art of bowling and bowler's aids would know the force applied to the ball at the release of the ball would produce a counter force against the bowler's finger pad.

One skilled in the art of bowling would read the recitations of claims 1-32 as a shield forming a contact area with the finger pad of a bowler inserted into the finger hole of a bowling ball and with its structure and function built and operating to spread the force of the ball when it is released, as described above, over that contact area.

5. The Claims in this case are originally filed claims 1-15 and new claims 16-32. The subject matter of my invention, as defined in Claims 1 -32, is the means for protecting a bowler's finger pad from the force produced by the bowling ball against the finger pad when the bowler uses maximum force in releasing the ball (recitation of Claims 1-32 are not repeated but incorporated by reference). As described in the Application, and in the Declarations filed with this Application by me and Dr. W. Robert Addington, DO, the finger pad shield means spreads the force produced by the bowling ball when a bowler's maximum force to the limit of muscular skeletal development, is applied to the ball in releasing the ball. The recitation of, spread said force of said bowling ball over said contact area of said first surface for reducing the pressure over said contact area, is not met by Fowble expressly or inherently because the hardness and resistance to bending or deformation, of the rubber material used in Fowble is not expressed in terms other than a hardness sufficient to prevent the building materials from abrading the finger.

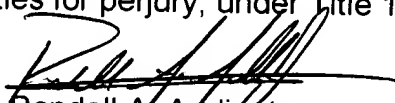
Accordingly, there is nothing in Fowble disclosing a means to protect the finger which can function, as claimed to spread the force of the bowling ball over the contact area of the first surface of the finger pad shield means. The quality of the hardness of Fowble can cannot be read as disclosing the recited claimed function of spreading the force over the contact area or of a quality of hardness sufficient to resist any deformation from the bowler's maximum force such that the force produced is distributed or spread over the contact area and not limited to a area within the said contact area. Even such a reading with hindsight, would defy reason as Fowble is devoid of any connection with bowling or managing the force against the finger protector in relation to the finger pad.

This concept of resisting deformation, recited in a dependent claim 15 as, a function of the finger pad shield means, made to substantially resist deformation in said contact area from said force of said bowling ball, as stated above is not shown or disclosed expressly or inherently in Fowble.

6. Claims 16-18, recite in means plus function language, the protection of the bowler's finger pad produced by the force of the ball, from the bowler's maximum force to lift the ball in releasing the ball. Nothing in Fowble suggests or discloses these recited functions.

7. Claims 19-30 recite the apparatus of the finger pad shield in structural terms defining its structural strength, form and size. These recitations are not shown or suggested Fowble or Pratt, as stated in the *Remarks* part of the Amendment submitted with this Declaration and adopted as my own statement and incorporated in this Declaration as if repeated here in its entirety. Claims 31 and 32 recite the bowler's finger pad shield in means plus function language and are not anticipated by Fowble or obvious in view of Fowble and Pratt.

All of the foregoing statements are made upon knowledge or are made upon information or belief. All of the foregoing statements are made under knowledge of the punishments and penalties for perjury, under Title 18 of the Criminal Code of the United States of America.


Randall A. Addington

Date: 9-29-00